

REMARKS

Claims 1-39 remain pending in this application. Further reconsideration is requested.

Specification

Withdrawal of the objection to the abstract of the disclosure is requested. The Office action correctly states that the abstract has been submitted as part of the PCT application of which the present invention is a U.S. National Stage filing under 35 U.S.C. § 371. This is all that applicant is required to do. Pursuant to 35 U.S.C. § 371(c)(2), applicant need not even file a copy of the international application so long as such has been already communicated by the International Bureau. See also 37 CFR § 1.495(b). Here, Applicant has filed a copy of the international application. Nothing more is required. 35 U.S.C. 372 does not permit the Examiner to contradict the statutory requirements and demand more than the applicant is required to file as set forth in 35 U.S.C. § 371(c)(2). To repeat, the statute requires only that the Applicant file a copy of the international application to satisfy the national stage requirements. If the Examiner still has difficulty in understanding the statute, the Examiner should consult with PCT Legal Administration for additional guidance. The objection is erroneous and should be withdrawn.

Indefiniteness Rejections

The claims have been amended in light of the comments in the rejection based on 35 U.S.C. § 112 second paragraph, to eliminate any issues of indefiniteness that may have existed. Accordingly, reconsideration and withdrawal of these grounds of rejection are requested.

The new rejection of claims 28 and 32 as being indefinite is traversed. There is nothing indefinite about providing particular examples of the type of structures covered by the recitations of claims 28 and 32. The examples given are clearly examples for definitional purposes and not individual limitations. Withdrawal of this ground of rejection is requested.

35 U.S.C. § 102/103 Rejections

The rejection of claims 1 - 35 as being anticipated by, or alternatively unpatentable over Colvin, U.S. Patent No. 6,418,132, is traversed. The invention as claimed is directed to a structure having a first array of a plurality of cellular housing structures bonded together, with a plurality of cellular core structures each disposed within a cellular housing structure. See, e.g., Figs. 1A-1D, housing structure 15, core structure 16, array 1.

As previously explained, Colvin discloses body armor, with one embodiment of an energy absorbing layer 200 shown in Figs. 5A-5B wherein a plurality of cells 40 are formed or molded into an internal core member 41. As seen in Fig. 5B, there are no identifiable cellular housing structures bonded together to form an array of housing structures as claimed. Instead, the alternating cells 40 are formed from a single undulating core member 41.

The Office action improperly relies on cells 76 from the embodiment of Figs. 2 and 4B, and foam material 45 from the separate and alternative embodiment of Figs. 5A and 5B, as allegedly anticipating the claims. Such reliance is in error, because in order to anticipate a claim under 35 U.S.C. 102, a prior art reference must disclose each and every limitation of the claim arranged in the same manner as the claimed invention. In re Bond, 910 F.3d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Colvin cannot anticipate the claims because the foam material 45 in the embodiment of Figs. 5A and 5B is not located in the cells 76 of embodiment of Fig. 2 and 4B. Element 81 (not explained in Colvin) appears to be a fluid channel for maintaining cells 76 in fluid communication with each other, wherein a pressurized gas is admitted. See col. 3, l. 67 – col. 4, l. 3. Since the foam 45 in the embodiment of Figs. 5A-5B has nothing to do with the embodiment of Fig. 2, the anticipation rejection is erroneous and cannot stand.

Further, with respect to the alternate obviousness rejection, the Office action articulates no reason for the suggested removal of connectors 81 and purported “bonding together” of cells 76. In fact, such would not be done not only because there exists no purpose or reason for doing so, but also because such modification would destroy the entire structural configuration of the embodiment of Fig. 2. In any event, the proposed modification still fails as foam material 45 is not placed in the cells 76. Still

further, the foam material 45 does not constitute a plurality of cellular core structures as claimed.

Conclusion

In view of the foregoing, favorable reconsideration of claims 1-39, withdrawal of the outstanding grounds of objection and rejection, and the issuance of a Notice of Allowance of claims 1-39 are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Novak Druce Deposit Account No. 14-1437.

RESPECTFULLY SUBMITTED,					
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